



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

#2

COPY MAILED

AUG 30 1994

SPECIAL PHUGHAM'S OFFICE
A/C OATENTS

Thomas R. Morrison, Esq.
Morrison Law Firm
145 North Fifth Ave.
Mount Vernon, NY 10550

In re Application of
Nakamichi, Noguchi and Hara
Serial No. 08/250,667
Filed: May 27, 1994
For: DISK PLAYBACK DEVICE

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This application was filed May 27, 1994. Papers filed May 27, 1994 included:

- (1) a petition under 37 CFR 1.47(a) with authorization to charge the required petition fee to counsel's deposit account;
- (2) a Declaration signed by joint inventors Nakamichi and Noguchi on their own behalf and on behalf of non-signing inventor Hara; and
- (3) a declaration of facts by Shingo Takenami providing details of the efforts made to obtain the signature of non-signing inventor Hara and of inventor Hara's refusal to sign the Declaration.

The above application and papers have been reviewed but have not been found in compliance with 37 CFR 1.47(a) based on the following reasons:

- (1) Rule 47 applicant failed to show or provide proof that a copy of the complete application papers (specification including claims, drawings and oath or Declaration) was presented to non-signing inventor Hara for review and signature (see MPEP 409.03(d)). Mr. Takenami's declaration of facts does not prove that a copy of the application papers was presented to non-signing inventor Hara. A copy of the complete application papers must be sent to the last known address of inventor Hara to give that inventor an opportunity to review the application and decide whether to sign the Declaration or not. The details of the presentation of the application papers to inventor Hara must be set forth in an affidavit or declaration of facts by a person having firsthand knowledge of the details. A copy of the cover letter transmitting the application papers should also be submitted as documentary proof.
- (2) The Declaration is defective because it does not give the citizenship of non-signing inventor Hara. A new Declaration giving the citizenship of all the named inventors in compliance with 37 CFR 1.63 is required. Furthermore, the Declaration must state that the inventors are the "original, first and joint inventors" rather than sole inventors as stated in the Declaration filed May 27, 1994.

Status under 37 CFR 1.47(a) is DENIED at this time. Applicants are given TWO MONTHS from the mailing date of this decision to respond, correcting the above-noted deficiencies. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by

37 CFR 1.136(a). Response should be directed to the Office of Special Programs Examination, Office of Deputy Assistant Commissioner for Patent Policy and Projects, Crystal Park 1, Suite 520, Washington, D.C. 20231.

After the mailing of the decision, the application will be forwarded to the Office of Finance to charge the petition fee of \$130.00 to counsel's deposit account no. 13-4550. Thereafter, the application will be returned to this Office to await applicant's response.



Magdalen Y.C. Greenlief
Special Program Examiner
Office of Deputy Assistant Commissioner for Patent Policy and Projects